

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

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|----------------------------|---|---------------------|
| IN THE MATTER OF THE | : | |
| COMPLAINT AND STATEMENT OF | : | 02-89-177 |
| CHARGES AGAINST | : | INFORMAL SETTLEMENT |
| PRADEEP Y. SARSWAT, M.D. | : | |
| RESPONDENT | : | |

COME NOW the Iowa Board of Medical Examiners [the Board] and Pradeep Y. Sarswat, M.D. [the Respondent] and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Informal Settlement of the contested case filed July 20, 1989.

1. That the Respondent was issued license no. 21228 to practice medicine and surgery in Iowa on July 27, 1978, as recorded in the permanent records in the office of the Board.

2. That a Complaint and Statement of Charges was filed against the Respondent on July 20, 1989.

3. That the Board has jurisdiction of the parties and the subject matter.

4. That the Director of Public Health shall take appropriate action to place the Respondent's license on probation for a period of five (5) years under the following terms and conditions:

A. That the Respondent shall not administer, or dispense, controlled substances until further order of the Board.

B. That the Respondent shall maintain a record of all controlled substances prescribed. The record will show the following, and will be provided to the Board on a quarterly basis, or upon request by the Board or an agent of the Board.

- 1) the name and address of the patient;
- 2) the date the controlled substance was prescribed;
- 3) the name and quantity of controlled substance prescribed; and;
- 4) the pathology and purpose for which the controlled substance was prescribed.

C. That the Respondent shall not possess or use any controlled or prescription drug in any form unless prescribed for him by another duly licensed, treating physician. The Respondent shall inform any treating physician of the terms of this Informal Settlement prior to accepting any medication.

D. That the Respondent shall not consume alcohol.

E. That the Respondent shall submit to witnessed blood or urine samples on demand by a designee of the Board. The samples shall be used for drug and alcohol screening all costs of which shall be paid by the Respondent.

F. That the Respondent shall attend not less than two (2) meetings each week of Alcoholics Anonymous or Narcotics Anonymous and shall have his attendance documented in writing by another person in attendance. A copy of the written documenta-

tion of Respondent's attendance shall be submitted to the Board on a quarterly basis.

G. That the Respondent shall attend and participate in an Impaired Physician group and shall have his participation documented in writing by another person in attendance. A copy of the written documentation of Respondent's participation shall be submitted to the Board on a quarterly basis.

H. That the Respondent shall, within thirty (30) days of the execution of this Informal Settlement submit to the Board for approval the names and curriculum vitae of three physicians or counselors practicing in Iowa.

1. That as a condition of approval the physicians or counselors shall agree to report to the Board on Respondent's treatment on a quarterly basis or upon request.

2. That the Respondent shall continue treatment or counseling until discharged from treatment by the approved physician or counselor.

I. That the Respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

J. That the Respondent shall obey all federal , state and local laws, and all rules and regulations governing the practice of medicine and surgery in the State of Iowa.

K. That the Respondent shall submit quarterly, notarized reports stating that there has been compliance with all the terms of this Informal Settlement. The quarterly report shall include:

1. A statement that the Respondent has abstained

from the use of all controlled or prescription drugs not prescribed for him by another duly licensed, treating physician, as well as a list of all controlled or prescription drugs prescribed for him by another duly licensed, treating physician. The list shall include the name and amount of the drug prescribed, the reason for which the drug was prescribed, the date of the prescription and the name of the prescribing physician.

2. A statement that the Respondent has abstained from the consumption of alcohol.

3. A list of all Alcoholics Anonymous or Narcotics Anonymous meetings and Impaired Physician Group meetings the Respondent has attended to include:

- a) Written documentation of the Respondent's attendance at each meeting signed by another person in attendance.
- b) The date, time and location of each meeting attended.

4. A list of all controlled substances prescribed to include;

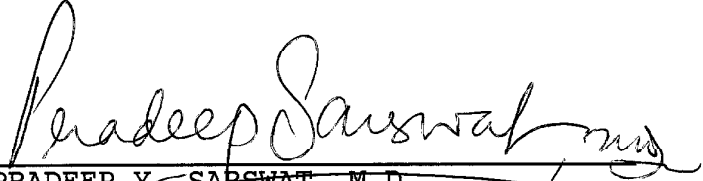
- a) The name and address of the patient;
- b) The date the controlled substance was prescribed;
- c) The name and quantity of the controlled substance prescribed;
- d) The pathology and purpose for which the controlled drug was prescribed.

L. That the Respondent shall make annual appearances before the Board, or a committee of the Board. The Respondent

shall be given reasonable notice of the date, time and place for the annual appearance.

M. That in the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Informal Settlement.

That upon compliance with the terms and conditions set forth herein and upon expiration of the terms of probation herein fixed, Respondent's license shall be restored to its full privileges free and clear of terms of the probation. In the event Respondent violates or fails to comply with any of the terms and conditions of this Informal Settlement, the Board, after providing notice and opportunity to be heard, may revoke or suspend the license of the Respondent, or impose other licensee discipline authorized in Iowa Code section 258A.3(2) and rule 653-12.2 of the Iowa Administrative Code.


PRADEEP Y. SARSWAT, M.D.

Subscribed and sworn to before me on this 17 day of

July, 1989.

Trudi M. Foval
Notary Public in and for
the State of Iowa

This Informal Settlement is accepted by the Iowa State Board
of Medical Examiners on the 20 day of July, 1989.

John R. Anderson M.D.
John R. Anderson, M.D., Chairman
Iowa State Board of Medical Examiners

Subscribed and sworn to before me on this 20 day of
July, 1989.

James Law
Notary Public in and for the
State of Iowa

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

* * * * *

IN THE MATTER OF THE COMPLAINT :

AND STATEMENT OF CHARGES AGAINST : ORDER

PRADEEP Y. SARSWAT, M.D. : 02-89-177

RESPONDENT :

* * * * *

NOW on July 21, 1989, the above entitled matter having been filed with the Director of Public Health of the State of Iowa, and the said Director of Public Health having reviewed the file, and being fully advised in the premises FINDS;

1. That the Respondent was issued a license to practice medicine and surgery, on July 27, 1978, as evidenced by certificate number 21228, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners.

2. That a Complaint and Statement of Charges was filed against the Respondent, Pradeep Y. Sarswat, M.D. on July 20, 1989.

3. That the Iowa State Board of Medical Examiners has jurisdiction of the parties and the subject matter herein:

4. That the Director of Public Health is authorized to enter an order herein under the provisions of sections 148.6(1) and 148.7(7)(c), of the 1989 Code of Iowa and rule 653-12.50(31), of the Iowa Administrative Code.

5. That pursuant to the provisions of sections 17A.10 and 258A.3(4) of the 1989 Code of Iowa, the Respondent and the Iowa State Board of Medical Examiners have entered into an Informal Settlement providing that the undersigned should enter an Order placing the Respondent's license to practice medicine and surgery, in a probationary status for a period of five (5) years.

THEREFORE IT IS HEREBY ORDERED;

1. That the Respondent's license to practice medicine and surgery, is placed on probation for a period of five (5) years under the following terms and conditions:

A. That the Respondent shall not administer, or dispense, controlled substances until further order of the Board.

B. That the Respondent shall maintain a record of all controlled substances prescribed. The record will show the following, and will be provided to the Board on a quarterly basis, or upon request by the Board or an agent of the Board.

- 1) the name and address of the patient;
- 2) the date the controlled substance was prescribed;
- 3) the name and quantity of controlled substance prescribed and;
- 4) the pathology and purpose for which the controlled substance was prescribed.

C. That the Respondent shall not possess or use any controlled or prescription drug in any form unless prescribed for

him by another duly licensed treating physician. The Respondent shall inform any treating physician of the terms of the Informal Settlement and this Order prior to accepting any medication.

D. That the Respondent shall not consume alcohol.

E. That the Respondent shall submit to witnessed blood or urine samples on demand by a designee of the Board. The samples shall be used for drug and alcohol screening all costs of which shall be paid by the Respondent.

F. That the Respondent shall attend not less than two (2) meetings each week of Alcoholics Anonymous or Narcotics Anonymous and shall have his attendance documented in writing by another person in attendance. A copy of the written documentation of Respondent's attendance shall be submitted to the Board on a quarterly basis.

G. That the Respondent shall attend and participate in an Impaired Physician group and shall have his participation documented in writing by another person in attendance. A copy of the written documentation of Respondent's participation shall be submitted to the Board on a quarterly basis.

H. That the Respondent shall, within thirty (30) days of the execution of the Informal Settlement submit to the Board for approval the names and curriculum vitae of three physicians or counselors practicing in Iowa.

1) That as a condition of approval the physicians or counselors shall agree to report to the Board on Respondent's treatment on a quarterly basis or upon request.

2) That the Respondent shall continue treatment or counseling until discharged from treatment by the approved physician or counselor.

I. That the Respondent shall demonstrate the type of exemplary conduct required of a duly licensed physician in the State of Iowa.

J. That the Respondent shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine and surgery in the State of Iowa.

K. That the Respondent shall submit quarterly, notarized reports stating that there has been compliance with all the terms of the Informal Settlement and this Order. The quarterly report shall include:

1) A statement that the Respondent has abstained from the use of all controlled or prescription drugs not prescribed for him by another duly licensed, treating physician, as well as a list of all controlled or prescription drugs prescribed for him by another duly licensed, treating physician. The list shall include the name and amount of the drug prescribed, the reason for which the drug was prescribed, the date of the prescription and the name of the prescribing physician.

2) A statement that the Respondent has abstained from the consumption of alcohol.

3) A list of all Alcoholics Anonymous or Narcotics Anonymous meetings and Impaired Physician Group meetings the Respondent has attended to include:

a) Written documentation of the Respondent's

attendance at each meeting signed by another person in attendance.

b) The date, time and location of each meeting attended.

4) A list of all controlled substances prescribed to include;

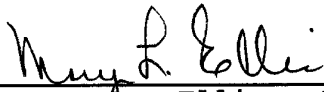
- a) The name and address of the patient;
- b) The date the controlled substance was prescribed;
- c) The name and quantity of the controlled substance prescribed;
- d) The pathology and purpose for which the controlled drug was prescribed.

L. That the Respondent shall make annual appearances before the Board, or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the annual appearance.

M. That in the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order.

That upon compliance with the terms and conditions set forth herein and upon expiration of the terms of probation herein fixed, Respondent's license shall be restored to its full privileges free and clear of terms of the probation. In the event Respondent violates or fails to comply with any of the terms and

conditions of the Informal Settlement or this Order, the Board after providing notice and opportunity to be heard, may revoke or suspend the license of the Respondent, or impose other licensee discipline authorized in Iowa Code section 258A.3(2) and rule 653-12.2 of the Iowa Administrative Code.



Mary L. Ellis, Director
Iowa Department of Public Health
Lucas State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

* * * * *

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT
PRADEEP Y. SARSWAT, M.D. : OF CHARGES
RESPONDENT : 02-89-177

* * * * *

COMES NOW William S. Vanderpool, Executive Director of the
Iowa State Board of Medical Examiners, on July 20, 1989,
and files this Complaint and Statement of Charges against Pradeep
Y. Sarswat, M.D., a physician licensed pursuant to Chapter 147,
Code of Iowa and alleges:

1. That Mary Ellis is the duly appointed and qualified
Director of Public Health of the State of Iowa.

2. That John R. Anderson, M.D., Chairman; C.L. Peterson,
D.O., Vice Chairman; Ann O'Neill, Secretary; Edra Broich;
Charlotte Cleavenger, D.O.; Donna Drees, M.D.; John W. Olds,
M.D.; George Spellman, Sr., M.D.; and Robert B. Stickler, M.D.,
are the duly appointed and qualified officers and members of the
Iowa State Board of Medical Examiners.

3. That the Respondent is a resident of Marshall County,
Iowa, and was issued license number 21228 to practice medicine
and surgery in the State of Iowa on July 27, 1978, as recorded in

the permanent records in the office of the Iowa State Board of Medical Examiners.

4. That the Respondent's license is current until January 1, 1990.

5. That on several occasions during the period from April, 1987 through May 12, 1989 inclusive, the Respondent, while practicing medicine and surgery, was impaired due to excessive use of drugs or other chemicals.

6. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), 148.6(1)(h), and 148.6(1)(i) of the Code of Iowa which state in whole or in part:
148.6(1) - "In addition to the provisions of sections 147.58 to 147.71, the medical examiners after due notice and hearing may direct the director of public health to issue an order to revoke or suspend the license to practice medicine and surgery... or to discipline a person licensed to practice medicine and surgery... if after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery... is guilty of any of the following acts or offenses:"

148.6(1)(h) - "Inability to practice medicine and surgery... with reasonable skill and safety by reason of... excessive use of drugs, narcotics, chemicals or other type of material..."

148.6(1)(i) - "Willful or repeated violation of lawful rule or regulation promulgated by the board..."

7. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent pursuant to the provisions of rules 653-12.4, 653-12.4(4), 653-

12.4(14) and 653-12.4(28) of the Iowa Administrative Code which state in whole or in part:

653-12.4 - "Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2 including civil penalties in an amount not to exceed \$1000, when the board determines that the licensee is guilty of any of the following acts or offenses:"

653-12.4(4) - "Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to, the inability of a physician to practice medicine and surgery... with reasonable skill and safety by reason of excessive use of alcohol, drugs, narcotics, chemicals or other type of material on a continuing basis, or the excessive use of alcohol, drugs, narcotics, chemicals or other type of material which may impair a physician's ability to practice the profession with reasonable skill and safety.

653-12.4(14) - "Inability to practice medicine and surgery... with reasonable skill and safety by reason of...chemical abuse."


653-12.4(28) - "Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections...148.6."

8. That paragraphs 6 and 7 constitute grounds for the Iowa State Board of Medical Examiners to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, Pradeep Y. Sarswat, M.D., on July 27, 1978.

WHEREFORE the undersigned charges that the Respondent, Pradeep Y. Sarswat, M.D. is subject to disciplinary action

pursuant to the provisions of section 148.6(1), 148.6(1)(h), 148.6(1)(i) of the Code of Iowa and Rules 653-12.4, 653-12.4(4) 653-12.4(14) and 653-12.4(28) of the Iowa Administrative Code and the undersigned prays that the Board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent Pradeep Y. Sarswat, M.D., on July 27, 1978, and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS



William S. Vanderpool, Executive Director
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Executive Hills West
Des Moines, Iowa 50319
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